

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP  
7<sup>th</sup> Floor  
1100 Superior Avenue  
Cleveland, Ohio 44114-2518

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION/CONTINUATION-IN-PART PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated beneath my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SPREADER**

the specification of which

  X   is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability and/or examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent, inventor's certificate or provisional application listed below, and I have also identified below any foreign application for patent, inventor's certificate or provisional application having a filing date before that of the application on which priority is claimed; and/or I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application/continuation-in-part application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/361,889

March 5, 2002

Prov. Application Serial No.

Filing Date

Status

10/207,705

July 26, 2002

Pending

Application Serial No.

Filing Date

Status

I hereby appoint the following list of attorneys to act jointly or severally as my attorneys, each with full power of substitution and revocation, to prosecute said application and to transact all business in the Patent and Trademark Office and/or all the competent international authorities in connection with an international application connected therewith.

Mark E. Bandy, Reg. No. 35,788 Brian G. Bembenick, Reg. No. 41,463 Alan C. Brandt, Reg. No. 50,218 John P. Cornely, Reg. No. 41,687 E. Kent Daniels, Reg. No. 19,598 Joseph D. Dreher, Reg. No. 37,123 Matthew P. Dugan, Reg. No. 44,663 Christopher B. Fagan, Reg. No. 22,987 Patrick D. Floyd, Reg. No. 39,671 Jude A. Fry, Reg. No. 38,340 Steven M. Haas, Reg. No. 37,841 Michael E. Hudzinski, Reg. No. 34,185 Edward T. Kennedy, Reg. No. 48,478 Richard M. Klein, Reg. No. 33,000 Thomas E. Kocovsky Jr. Reg.No. 28,383 Sandra M. Koenig, Reg. No. 33,722 Scott A. McCollister, Reg. No. 33,961	James W. McKee, Reg. No. 26,482 Richard J. Minnich, Reg. No. 24,175 Jay F. Moldovanyi, Reg. No. 29,678 Philip J. Moy, Reg. No. 31,280 Timothy E. Nauman, Reg. No. 32,283 Erik J. Overberger, Reg. No. 48,556 Sue Ellen Phillips, Reg. No. 32,046 Patrick R. Roche, Reg. No. 29,580 James E. Scarbrough, Reg. No. 47,056 Ann M. Skerry, Reg. No. 45,655 Mark S. Svat, Reg. No. 34,261 Brian E. Turung, Reg. No. 35,394 Robert V. Vickers, Reg. No. 19,504 Gregory S. Vickers, Reg. No. 45,180 Joseph E. Waters, Reg. No. 50,427 Thomas E. Young, Reg. No. 28,924 John S. Zanghi, Reg. No. 48,843
SEND CORRESPONDENCE TO: Robert V. Vickers Fay, Sharpe, Fagan, Minnich & McKee, LLP, 7 <sup>th</sup> Floor 1100 Superior Avenue Cleveland, Ohio 44114-2518	DIRECT TELEPHONE CALLS TO: (name and telephone number)  Robert V. Vickers  (216) 861-5582

And I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Ja A Kost  
JAMES A. KOST

Residence and ) 5660 Deer Creek  
Post Office ) Willoughby, Ohio  
Address ) 44094  
)

Citizenship: United States

Dated this 13 day of NOVEMBER, 2002

Josh Vyroster  
JOSH VYROSTEK

Residence and ) 27500 Bishop Park Dr.  
Post Office ) W212  
Address ) Willoughby Hills, OH  
) 44092

Citizenship: United States

Dated this 13 day of NOVEMBER, 2002

(JOINT INVENTORS)

Docket No. MPEE 2 00023

FAY, SHARPE, FAGAN, MINNICH & McKEE  
1100 SUPERIOR AVENUE  
CLEVELAND, OHIO 44114-2579

**ASSIGNMENT**

WHEREAS, ASSIGNORS: James A. Kost and Josh Vyrostek

of the Cities, Counties and States, respectively of: Willoughby, Lake, Ohio  
Willoughby Hills, Lake, Ohio

have made an invention in SPREADER

and have executed on November 13, 2002, respectively, an application for Letters Patent of the United States on said invention, hereinafter referred to as "said application";

AND, WHEREAS, The Louis Berkman Company, a corporation of the State of Ohio

having its principal place of business at 330 North Seventh Street  
P.O. Box 820  
Steubenville, Ohio 43952

hereinafter called ASSIGNEE, is desirous of acquiring the entire worldwide rights, title and interest in, to and under said invention and said application;


**NOW THEREFORE**

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, ASSIGNORS hereby sell, transfer and assign to the ASSIGNEE, its successors, assigns, nominees, or other legal representatives the full, exclusive, entire, worldwide rights, title and interest in, to and under said invention as described and claimed in said application, the same to be held and enjoyed by ASSIGNEE for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, nominees, or other legal representatives, to the end of the term or terms for which said Letters Patent are or may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by ASSIGNORS if this assignment and sale had not been made; all of the entire rights, title and interest in and to said invention and said application, and all original and reissued patents granted for said invention, and all divisions, continuations-in-part and continuations

of said application, including the subject matter of any and all claims which may be obtained in every patent, and the right, where such right can be legally exercised, in ASSIGNEE'S own name to apply for and obtain patents in countries foreign to the United States, including the full right to claim for any such application the benefits of the International Convention and the Patent Cooperation Treaty as fully and entirely as ASSIGNORS could have done if the foreign application had been filed in the names of the ASSIGNORS, and the entire interest in any Letters Patent which may be granted on any such application in such foreign countries, and ASSIGNORS authorize and request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent to ASSIGNEE, its successors, assigns, nominees or other legal representatives, as ASSIGNEE and owner of the said entire rights, and ASSIGNORS covenant that ASSIGNORS have full right to convey the said entire interest herein assigned and that ASSIGNORS have not executed and will not execute any agreement in conflict herewith, and ASSIGNORS will communicate to ASSIGNEE, its successors, assigns, nominees or other legal representatives all facts known to ASSIGNORS respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, execute and deliver all divisional, continuing and reissue applications, make all rightful oaths or declarations and do all lawful acts requisite for the application for such divisional, continuing or reissue applications, or the procuring thereof, and that if and when ASSIGNEE, its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, ASSIGNORS will, upon request, sign and deliver all lawful papers requisite for the filing of such disclaimer; and,


ASSIGNORS further covenant and agree that ASSIGNORS will, at any time upon request, do everything possible to aid ASSIGNEE, its successors, assigns, nominees, or other legal representatives, either in the name of ASSIGNORS or ASSIGNEE, to apply for, obtain and enforce proper patent protection for said invention in all countries, according to the International Convention and the Patent Cooperation Treaty and all the laws and treaties in force, all without further consideration but at the expense of ASSIGNEE, its successors, assigns, nominees or other legal representatives.

IN WITNESS WHEREOF, this assignment has been executed by the undersigned.

  
JAMES A. KOST

STATE OF OHIO )  
 ) SS  
COUNTY OF CUYAHOGA )

Subscribed and sworn to before me this 13 day of NOV 2002

  
Notary Public

ANITA E. BOLINGER, Notary Public  
STATE OF OHIO  
My Commission Expires Mar. 4, 04  
Recorded in Cuyahoga County

Josh Vyrosteck  
JOSH VYROSTEK

STATE OF OHIO )  
COUNTY OF CUYAHOGA ) SS  
)

Subscribed and sworn to before me this 13 day of november 2002

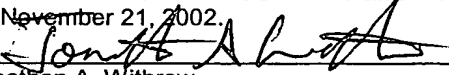
Anita E. Bolinger  
Notary Public

ANITA E. BOLINGER, Notary Public  
STATE OF OHIO  
My Commission Expires Mar. 4, 04  
Re-recorded in Cuyahoga County

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**CERTIFICATE OF MAILING**

I hereby certify that this **ASSIGNMENT & TRANSMITTAL LETTER** is being deposited with the United States Postal Service as EXPRESS MAIL in an envelope addressed to the Commissioner For Patents, Washington, D.C. 20231 on November 21, 2002.

  
Jonathan A. Withrow

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF : James A. Kost et al.

FOR : **SPREADER**

SERIAL NO. : Unknown

FILED : Herewith

ATTORNEY DOCKET NO. : MPEE 2 00023

Cleveland, Ohio 44114-2518  
November 21, 2002

**ASSIGNMENT TRANSMITTAL LETTER**

Commissioner of Patents  
Washington, DC 20231

Dear Sir:

Please record the attached original document(s) or copy thereof.

1. Name of conveying Party(ies):

James A. Kost  
5660 Deer Creek  
Willoughby, OH 44094  
Citizenship: USA

Josh Vyrostek  
27500 Bishop Park Dr.  
Willoughby Hills, OH 44092  
Citizenship: USA

2. Name and Address of receiving Party(ies):

Name: The Louis Berkman Company, an Ohio corporation  
Street Address: 330 North Seventh Street  
P.O. Box 820  
Steubenville, Ohio 43952

### 3. Nature of Conveyance:

X Assignment \_\_\_\_\_ Change of Name  
 \_\_\_\_\_ Security Agreement \_\_\_\_\_ Merger  
 Other \_\_\_\_\_  
 Execution Date: November 13, 2002

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is:  
November 13, 2002

A. Patent Application No.(s) B. Patent No.(s)

Additional numbers attached?      Yes X No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert V. Vickers, Esq.  
(type name of attorney)

Firm: FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP

Address: 1100 Superior Avenue, Seventh Floor  
City: Cleveland  
State: OH ZIP: 44114-2518



6. Number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41): \$ 40.00

x Enclosed

     Authorized to be charged to deposit account 06-0308.

8. The Commissioner is hereby authorized to charge any additional filing fees which may be required for this application without specific authorization, or credit any overpayment to Deposit Account No. 06-0308.

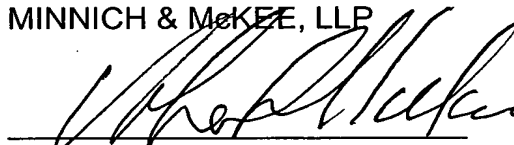
*(attach duplicate copy of this form if paying by Deposit Account)*

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP



Robert V. Vickers, Esq.  
Reg. No. 19,504  
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Total number of pages including cover sheet: 6

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